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R.G.M.

6 **IN THE UNITED STATES DISTRICT COURT OF GUAM**

7 R.G.M.,

CIVIL ACTION NO. _____

8 Plaintiff,

9 vs.

10 BOY SCOUTS OF AMERICA, a
congressionally chartered corporation,
authorized to do business in Guam;
11 BOY SCOUTS OF AMERICA ALOHA
COUNSEL CHAMORRO DISTRICT;
12 DOE ENTITIES 1-5; and DOE-
INDIVIDUALS 6-50, inclusive,

13 Defendants.

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VERIFIED COMPLAINT FOR
DAMAGES FOR:

1. Negligence
2. Negligent Supervision
3. Negligent Hiring and Retention
4. Breach of Fiduciary Duty/
Confidential Relationship

JURY TRIAL DEMANDED

Plaintiff R.G.M. ("R.G.M.") files this Complaint for damages based on prior sexual abuse (the "Complaint") against Defendants Boy Scouts of America, a congressionally chartered corporation, authorized to do business on Guam, the Boy Scouts of America Aloha Council Chamorro District, , and DOES 1-50 ("Defendants").

20 **I. JURISDICTION AND VENUE**

- 21 1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.
- 22 2. Venue is appropriate because this is the location in which a substantial part of the events or omissions giving rise to the claim occurred.

24 **II. PARTIES**

- 25 3. At all times relevant hereto, R.G.M. has been and is an individual who attended Church at the Barrigada Parish, Guam, during his childhood years. When he 26 was a minor boy, R.G.M. was sexually abused by Louis Brouillard, an ordained priest 27

1 of the Roman Catholic Archbishop of Agana, and a scoutmaster for the Boy Scouts of
2 America and its Boy Scouts of America Aloha Council Chamorro District. R.G.M. is
3 currently 53 years old. Plaintiff R.G.M. is identified throughout this complaint by his
4 initials in order to protect his privacy.

5 4. At all times relevant hereto, and upon information and belief, Roman
6 Catholic Archbishop of Agana, a corporation sole, in accordance with the discipline
7 and government of the Roman Catholic Church, is the legal name for the Archbishop
8 of Agana, also known as Archdiocese of Agana. ("Agana Archdiocese"), which is and
9 has been at all time relevant hereto a non-profit corporation organized and existing
10 under the laws of Guam, authorized to conduct business and conducting business in
11 Guam, with its principal place of business in Guam. The Agana Archdiocese is an
12 entity under the control of the Holy See, based in Vatican City, Rome, Italy. The Agana
13 Archdiocese filed for Chapter 11 Bankruptcy in the Guam District Court in BK Case
14 No. 19-00010. Plaintiff will pursue his claims against the Agana Archdiocese strictly
15 within the Bankruptcy proceeding.

16 5. At all times relevant hereto, and upon information and belief, the Boy
17 Scouts of America ("BSA") was a corporation authorized to do business in Guam, and
18 to this day, BSA regularly transacts business throughout Guam. At all times relevant
19 to this complaint, BSA authorized local councils and local organizations to charter,
20 sponsor, and operate Boy Scout troops throughout Guam, including defendant Boy
21 Scouts of America Aloha Council Chamorro District ("Aloha Council"). The BSA and
22 Aloha Council participated in, if not directly controlled, the selections of Scout leaders
23 and troops, and retained and exercised the ultimate authority to decide who could be
24 a Scout troop leader. The BSA and Aloha Council also had the right to control the
25 means and manner of the staffing, operation, and oversight of any Scout troop. In
26 exchange for the use of BSA's name, programming, and endorsement, the leaders and
members of the individual Scout troops would pay BSA an annual membership fee.

1 BSA is responsible and liable in whole or in part, directly or indirectly, for the
2 wrongful acts complained of herein.

3 6. At all times relevant hereto, and upon information and belief, the Aloha
4 Council, which is and has been a non-profit corporation that regularly conducted
5 business in Guam, and acted as an agent of BSA under its direction, supervision, and
6 jurisdiction. Aloha Council is responsible and liable in whole or in part, directly or
7 indirectly, for the wrongful acts complained of herein.

8 7. The BSA and Aloha Council operate Scouting programs, which invite
9 and seek out the participation of children. The BSA and Aloha Council, through their
10 Scout leaders, employees, servants, officers, volunteers, and/or agents, have control
11 over those activities involving children. BSA has the power to appoint, supervise,
12 monitor, restrict and fire each person working with children within the Boy Scout
13 program.

14 8. At all times relevant hereto, Father Louis Brouillard ("Brouillard"), an
15 individual and an agent of the Agana Archdiocese, was a member of the clergy of the
16 Agana Archdiocese, and a Catholic priest working for the Agana Archdiocese.
17 Brouillard was ordained as a Catholic Priest in December 1948, and arrived on Guam
18 in 1949 where he worked in parishes and schools until 1981. At all times relevant
19 hereto, Brouillard was also an employee, volunteer, and/or agent of the BSA, who
20 worked as a scoutmaster and performed duties for the Aloha Council. On or about
21 October 11, 2018, Brouillard died at the age of 97. If not deceased, Brouillard would
22 have been individually liable, in whole or in part, directly or indirectly, for the
23 wrongful acts complained of herein.

24 9. Defendant-entities named herein as DOES 1-5, inclusive, are or at all
25 times relevant hereto, were insurance companies that provided general liability
26 coverage and/or excess level liability coverage pursuant to policies issued to the BSA,
and the Aloha Council. Defendant-individuals named here-in as DOES 6-50, inclusive,

1 and at all times relevant hereto, were agents, employees, representatives and/or
2 affiliated entities of the BSA, and the Aloha Council, whose true names and capacities
3 are unknown to R.G.M. who therefore sues such defendants by such fictitious names,
4 and who will amend the Complaint to show the true names and capacities of each
5 such DOE defendant when ascertained. DOES 6-50 assisted, aided and abetted and/or
6 conspired with Brouillard, the BSA, and/or the Aloha Council to conceal, disguise,
7 cover up, and/or promote the wrongful acts complained of herein. As such, each such
8 DOE is legally responsible in some manner for the events, happenings, and/or
9 tortious and unlawful conduct that caused the injuries and damages alleged in this
10 Complaint.

11 10. Each defendant is the agent, servant and/or employee of other
12 defendants, and each defendant was acting within the course and scope of his, her or
13 its authority as an agent, servant and/or employee of the other defendants.
14 Defendants, and each of them, are individuals, corporations, alter egos and
15 partnerships of each other and other entities which engaged in, joined in and
16 conspired with the other wrongdoers in carrying out the tortious and unlawful
17 activities described in this Complaint; and defendants, each of them, ratified the acts
18 of the other defendants as described in this Complaint.

III. INTRODUCTORY ALLEGATIONS

A. Culture of Sexually Predatory Behavior

21 11. Since the inception of the priesthood many centuries ago, becoming a
22 Catholic priest has required numerous vows to be taken among them a vow of
23 celibacy, obedience to the laws of both God and society, and a variety of
24 responsibilities that elevated priests, nuns, and entities that utilized the services of
25 priests and nuns, to a high status in the community, which induced parents to entrust
26 their children to the care of priests and likewise induced children to submit to the
commands and will of priests.

1 12. The creation of the ritual of altar boy service as a component of the
2 Catholic mass and other religious services with the Catholic Church, if not originally
3 conceived as such, ultimately became a tool by which a sexually predatory priest
4 could gain access to young boys and such access was disguised in the form of
5 privileged opportunities by which the church invited certain young boys to serve as
6 altar boys, an opportunity that was viewed as a respectable and distinguished role for
7 a young boy in the community gave the boy status of wearing liturgical apparel
8 during church service and working side by side with the priests.

9 13. Further disguising the scheme to have sexual access to young boys was
10 the ritual of requiring altar boys to spend the night at the church rectory, ostensibly to
11 facilitate preparation for the following morning church services. By presenting the
12 overnight requests in this manner, priests routinely gained the approval of parents;
13 and often times the sexual abuses occurred during the night in their beds at the
14 priests' residences. These seemingly routine practices of having altar boys stay
15 overnight served a predatory priest with a steady supply of victims under the auspices
16 and pretense of formal church protocol, which allowed the church to continually
17 operate a veritable harem of young boys who were readily available to pedophiles
18 who utilized the stature of the church into deceiving the community to regard them as
19 high-level well intentioned officials.

20 14. The systematic and ongoing pattern of sexual abuse of young children
21 was characteristic of an internal society within the Agana Archdiocese and whose
22 norms were based on pedophilic conduct disguised by the rituals and pageantry of
23 liturgical services, together with the aura or prestige that was inculcated in the
24 community and which caused Catholic parishioners to place the highest level of
25 confidence and trust in the church and its clergy. On information and belief, this
26 internal society of sexual corruption sustained itself through a conspiratorial
arrangement between priests and high officials in the Agana Archdiocese whereby

1 they all understood and agreed to remain quiet about each others sexual abuse
2 misconduct, to tolerate such misconduct, and to withhold information about such
3 misconduct from third parties including victims' parents or guardians and law
4 enforcements authorities, in order to protect the offenders and the Agana Archdiocese,
5 thereby placing their loyalty above their duty to protect the minor children and their
6 legal responsibilities.

7 15. Although BSA was originally conceived in the early twentieth century
8 out of a philosophy of good will aimed at promoting the health development of young
9 boys, the Catholic Church developed and maintained a relationship with the BSA in
10 Guam by which a pedophilic priest could exploit the opportunity to serve as a
11 scoutmaster for the specific purpose of having access to young boys. As alleged herein,
12 and on information and belief, this relationship between the BSA, the Aloha Council
13 and the Catholic Church resulted in numerous instances of sexual abuse and
14 molestation which were committed willfully by individual priests and were allowed
15 to occur due to the gross negligence and recklessness of the Agana Archdiocese, the
16 BSA, and the Aloha Council, which failed to properly oversee and manage this
17 relationship between the entities as alleged in more detail herein. On information and
18 belief, the BSA and the Aloha Council were willing to overlook and ignore the
19 sexually predatory conduct of a Catholic priest on Guam as part of a symbiotic
20 relationship between the entities by which the BSA and the Aloha Council gained
21 monetary revenues through the enrollment of young boys, and priests gained access to
22 boys to act out sexually abusive and predatory behaviors.

23 16. On information and belief, sexually abusive practices arising out of the
24 relationship between BSA, the Aloha Council, and the Agana Archdiocese were
25 another extension of the internal culture of sexual corruption and abuse that
26 characterized the Agana Archdiocese in Guam.

1 17. On information and belief, these sexually predatory norms were an
2 integral part of the standards and culture generated by the central authority of the
3 Roman Catholic Church based in Vatican City, Italy, which closely controlled the
4 operations of the Agana Archdiocese, and which aided and abetted such sexually
5 predatory and abusive practices by priests by failing to properly supervise the Agana
6 Archdiocese to prevent sexual misconduct, and engaging in actions to protect and
7 shield priests through such policies as transfers to other jurisdictions, maintaining an
8 internal code of silence, and choosing to remain willfully blind to the ongoing sexual
9 misconduct committed by Catholic priests.

10 18. These sexually predatory norms were also an integral part of the long-
11 term relationship between the Agana Archdiocese and the BSA which fostered an
12 environment conducive to the sexual abuse of young boys on Guam by encouraging
13 priests to serve as Scout leaders and exploiting the trust placed in the church by the
14 community of Guam such that parents willingly enrolled their young sons as Boy
15 Scouts and entrusted them to the priest-scout leaders during scouting events and
16 overnight outings, while the Agana Archdiocese and the BSA tolerated and remained
17 negligently blind to the rampant sexual abuse that was perpetuated on an ongoing
18 basis.

19 B. The Hiring and Retention of Brouillard

20 19. Brouillard was born at St. Cloud, Minnesota, on July 27, 1921.

21 20. He attended the St. Paul Seminary in St. Paul, Minnesota, for three years
22 as a Theology student, but was expelled in 1947 because of his associating too much
23 with young boys.

24 21. Brouillard became interested in Guam after meeting two Guamanian
25 students at a Catholic boys school in St. Paul.

26 22. Brouillard offered his services to Bishop Apollinaris Baumgartner on
Guam. Although Bishop Baumgartner was aware of Brouillard's expulsion from St.

1 Paul Seminary, he nevertheless made arrangements for Brouillard to complete his
2 preparation for the priesthood at St. Thomas Seminary in Denver, Colorado, and the
3 Capuchins, through Bishop Baumgartner, paid for his attendance there.

4 23. Brouillard arrived on Guam in 1949, and assumed his role as a priest.

5 24. Bishop Baumgartner was a Capuchin. The Capuchins were primarily
6 responsible for the administration of the Catholic Church on Guam until
7 approximately 1970.

8 25. Brouillard was not a Capuchin, but was under the control and direction
9 of the Capuchins through Bishop Baumgartner, who had hired Brouillard despite his
10 expulsion from the St. Paul Seminary.

11 26. Bishop Baumgartner assigned Brouillard to various parishes on Guam
12 over the years. In 1961, Brouillard allowed boys to stay overnight in his rectory in
13 Mangilao, and was instructed in writing by Bishop Baumgartner to stop that practice.
14 Brouillard failed to do so, and was again instructed in writing in 1962 by Bishop
15 Baumgartner to immediately discontinue the custom of allowing boys to live in his
16 rectory. Brouillard, however, again failed to comply with this instruction.

17 27. Brouillard had multiple discussions with Bishop Baumgartner and other
18 priests over the years regarding Brouillard's problems with sexually abusing children.
19 Bishop Baumgartner told Brouillard to try to do better and say prayers in penance.

20 28. During the period of July, 2016, through September, 2016, Brouillard met
21 on several occasions with an investigator retained by other claimants counsel, in the
22 course of which Brouillard made several admissions regarding his past sexual abuse of
23 minor boys while serving in both his capacities as a priest and as a scoutmaster in
24 Guam.

25 29. As a follow up to the meetings with the investigator, on or about October
26 03, 2016, Brouillard signed a statement admitting to sexually abusing at least twenty
(20) boys. A true and accurate copy of Brouillard's statement is attached hereto as

1 Exhibit "1". While the statement contains admissions, it also contains remarks that
2 seek to minimize the misconduct as reflected in the excerpts below:

3 a) "My name is Father Louis Brouillard. I am a retired Roman Catholic
4 priest. ...I served the diocese of Guam in the 1940s through 1970s and
5 held many positions in the church."

6 b) "Looking back now, I realize that I crossed the line with some of my
7 actions and relationship with the boys."

8 c) "During some of the sex education talks, while at Santa Teresita, I did
9 touch the penises of some of the boys and some of the boys did
10 perform oral sex on me. Some of the incidents took place in Mangilao
11 at the rectory of the Santa Teresita Church. Because of the many years
12 that have passed, I do not remember the exact dates and times or the
13 names of the boys involved. There may have been 20 or more boys
14 involved. Other locations where the sexual contact may have
15 happened would be at San Vicente and Father Duenas Memorial
16 Schools."

17 d) "At that time, I did believe that the boys enjoyed the sexual contact
18 and I also had self gratification as well."

19 e) "I have come to learn the name of one of the boys I had sexual contact
20 with at the Santa Teresita rectory. His name is Leo Tudela. ... I
21 apologize to you Leo and the rest of the boys that I may have
22 harmed. I regret with all my heart any wrong I did to them. I pray for
23 all the boys I may have harmed and ask for their forgiveness from
24 God."

25 f) "While in Guam my actions were discussed and confessed to area
26 priests as well as Bishop Apollinaris Baumgartner who had
approached me to talk about the situation. I was told to try to do
better and say prayers as a penance."

g) "I believe the Catholic Church should be honest and truthful
regarding what happened on Guam during my time there."

30. Despite extensive knowledge of Brouillard's sexual abuse of children, the
Capuchins through Bishop Baumgartner failed to take any action to discipline,

1 reprimand or to remove Brouillard from Guam or to otherwise protect the Chamorro
2 children on Guam from abuse that was highly foreseeable to continue.

3 31. After the primary responsibility for the administration of the Catholic
4 Church on Guam passed from the Capuchins to the Agana Archdiocese in
5 approximately 1970, Brouillard continued his known clerical sexual abuse of children.

6 32. In 1970, Bishop Baumgartner passed away, and he was replaced by a
7 diocesan (Non-Capuchin) priest, Felixberto C. Flores, who was named Bishop of
8 Agana ("Bishop Flores").

9 33. Brouillard also had many discussions with Bishop Flores regarding his
10 abuse, including one or more occasions when complaints had been made to legal
11 authorities regarding Brouillard's abuse of children.

12 34. Despite such knowledge, Bishop Flores did not remove Brouillard from
13 Guam until April 2, 1981, in order to allow Brouillard to avoid arrest and criminal
14 prosecution for his clerical sexual abuse of children.

15 **C. Sexual Abuse Inflicted on Plaintiff R.G.M.**

16 35. In or around 1977-1978, when R.G.M. was the age of eleven (11) through
17 twelve (12), he was sexually abused on a Boy Scout outing. R.G.M. was an altar boy at
18 the Barrigada San Vicente Catholic Church. He was also a Boy Scout at Barrigada
19 during that same period of time. During this time, Brouillard was a priest, and he was
20 an employee, volunteer, and/or agent of the BSA. Brouillard worked as a scoutmaster
21 and performed duties for the Aloha Council.

22 36. The BSA has maintained that no boy can grow into the best kind of
23 citizenship without recognizing his obligation to God. The first part of the Scout Oath is:
24 "On my honor to do my best to do my duty to God" and the 12th point of the Scout Law
25 is "A Scout is reverent." The BSA and Aloha Council encouraged its members to be
26 faithful in their religious duties and to serve the church, and as a result the Boy Scout
activities that R.G.M. participated in revolved around the church.

1 37. Brouillard engaged in sexually predatory practices as a scoutmaster for
2 the BSA and the Aloha Council, when he conducted regular BSA outings. R.G.M. was
3 aspiring to join the Boy Scouts during Brouillard's time as a Boy Scout leader. R.G.M.
4 went on two BSA outings to the Lonfit River. R.G.M. understood from the other boys
5 that if the Boy Scouts removed their clothes and swam naked, that in exchange they
6 would receive free fast food, which R.G.M. in fact did at McDonald's.

7 38. On one of the BSA outings to the Lonfit River, R.G.M. was sexually
8 abused by Brouillard. This occurred on one occasion while R.G.M. swam naked and
9 Brouillard fondled and groped his genitals. Brouillard falsely claimed he was teaching
10 R.G.M. how to swim. This event was shocking to R.G.M. and because of this, he
11 stopped being an altar boy and he also lost interest in joining the BSA.

12 39. Upon information and belief, other priests and representatives of the
13 Agana Archdiocese, including Bishop Apollinaris Baumgartner, Bishop Felixberto C.
14 Flores, Archbishop Anthony S. Apuron, Monsignor Zoilo Camacho, now-deceased
15 Father Antonio C. Cruz, and individuals named herein as DOE defendants, were aware
16 of the sexual abuse committed by Brouillard and deliberately remained quiet and
17 withheld such information from third parties including victim's parents or guardians
18 and law enforcement authorities, in order to protect Brouillard and the Agana
19 Archdiocese, thereby placing their loyalty to the church above their duty to protect the
20 minor children and their legal responsibilities.

21 40. Upon information and belief, the BSA and the Aloha Council knew of, or
22 should have known, that Brouillard was a sexual predator of young boys before he
23 sexually abused R.G.M. because Brouillard had been committing acts of sexual
24 molestation as a Boy Scout leader for approximately at least two and one-half decades
25 prior to sexually abusing R.G.M. It was well-known for years that Brouillard used his
26 positions as a scoutmaster to take boys swimming in the nude and to sexually abuse
Scout campers during overnight and day trips.

1 41. On at least one occasion, a BSA executive on Guam named John Seigal
2 confronted Brouillard with stories that he had sexual activities with boys at scout camp.
3 Brouillard agreed to stop sexual activities with boys, but failed to do so. No action was
4 taken by the BSA against Brouillard.

5 42. BSA has had a long history of sexual molestation and abuse of young boys
6 that has been documented extensively both in the media and through numerous civil
7 and criminal litigations throughout the United States. There have been numerous Scout
8 leaders that have been sentenced in criminal prosecution for acts of sexual molestation
9 of minor boys. As a general reference the following Internet links can be viewed online:

10 https://en.wikipedia.org/wiki/Boy_Scouts_of_America

11 https://en.wikipedia.org/wiki/Boy_Scouts_of_America_sex_abuse_cases

12 <https://www.theguardian.com/world/2010/apr/29/boy-scouts-sexual-abuse-dykes>

13 <http://www.thenationaltriallawyers.org/2015/03/boy-scout-abuse/>

14 <http://www.reuters.com/article/us-usa-boyscouts-abuse-idUSBRE89H0ZF20121018>

15 43. Upon information and belief, the BSA and Aloha Council were notified
16 regarding Brouillard's acts of sexual molestation. The BSA and Aloha Council had
17 known since the early 1920's that men like Brouillard were using their positions as
18 scoutmasters to groom and sexually abuse Boy Scouts.

19 44. Founded in 1910, the BSA is one of the largest youth organizations in the
20 United States with millions of members. Throughout the BSA's history, it has
21 consistently held itself out to the public as a "moral and safe" environment for boys to
22 participate in healthy outdoors activities and to be given proper guidance and
23 instructions. Millions of parents and Scouts have placed their trust in the BSA. An
24 estimated 20% of American boys have had contact with Scouting either as members or
25 by attending Boy Scout activities.

26 45. Upon information and belief, shortly after its inception, the BSA became
aware that a significant number of its adult Scout leaders, employees, servants, officers,

1 volunteers, and/or agents were using their position of trust and authority to
2 manipulate and sexually abuse young boys participating in the BSA's Scouting
3 program.

4 46. Surprisingly, the BSA still continued to promote the safety,
5 trustworthiness, and wholesomeness of its program, even though it has been secretly
6 removing scoutmasters for child sexual abuse at an alarming rate since the 1920s. Its
7 own records demonstrate that the BSA has long-known yet concealed from its
8 members, Scouts, and Scouts parents that Scouting attracts pedophiles in large numbers
9 and that Scouts, far from being safe, are at heightened risks of sexual abuse by child
10 molesters. The BSA misrepresented to members, Scouts and Scouts parents that the
11 Scouts were safe in Scouting programs.

12 47. Beginning in the 1920s, the BSA created and maintained a highly
13 confidential file system that is often referred to as the "Ineligible Volunteer" files. The
14 purpose of the Ineligible Volunteer files was to identify Scout leaders, employees,
15 servants, officers, and volunteers, and/or agents of the BSA who were considered
16 "ineligible" to hold positions as a Scout leader, who posed a danger to children because
17 of a variety of moral offenses and who were declared unfit to volunteer. One of those
18 moral offenses was "perversion" with children. The most common reason for Scout
19 leaders, employees, servants, officers, volunteers, and/or agents of the BSA to be placed
20 in the Ineligible Volunteer files has been allegations of sexual abuse of boys. The
21 majority of the cases on file are perversion cases, and the BSA has referred to the subset
22 of Ineligible Volunteer files as the "Perversion Files".

23 48. Upon information and belief, between 1965 and 1985, at least 1,200
24 "perversion" files were created for Scout leaders, employees, servants, officers,
25 volunteers, and/or agents of the BSA who had molested one or more children. There
26 was an average of more than one new child molester a week, and many of these
volunteers molested multiple Scouts and other boys. The BSA knew that not all

1 molesters in Scouting were caught each year, particularly because some of the molesters
2 were shown to have abused Scouts and other boys for several years before detection.

3 49. The BSA went to significant lengths to keep the existence of their
4 Perversion File system and the problem of pedophiles Scout leaders a secret from its
5 members, Scouts, and Scout families. Upon information and belief, local councils, like
6 the Aloha Council, were instructed, and agreed, not to keep Perversion Files at their
7 offices, but rather to send everything to the BSA National Office. This was a material
8 risk that was unique to the Boy Scout program and was not something that R.G.M.,
9 R.G.M.'s parents/or guardians, or the general populations knew existed.

10 50. At some point in or about 1971, the Aloha Council was aware or should
11 have been aware that scoutmasters within the Aloha Council posed a danger of sexually
12 abusing Boy Scouts. The Aloha Council gained this knowledge through reports of
13 sexual abuse by scoutmasters operating within the Aloha Council's geographic
14 boundaries.

15 51. For example, on information and belief, in or about 1971 or 1972, the
16 Chamorro Council Scout Executive, Roger D. Pelz, reported that the assistant
17 scoutmaster of Troop 32, David Joseph Ellington, initiated sexual contact with two
18 minor boys at the U.S. Coast Guard Naval Station in Guam. Mr. Ellington subsequently
19 left the area and relocated to Phoenix, Arizona, where he attempted to re-enroll in the
20 BSA as a Scout leader, employee, servant, officer, volunteer, and/or agent.

21 52. Despite knowing that more than a thousand men like Mr. Ellington had
22 used their positions in the BSA to groom and to sexually abuse children, the BSA and
23 Aloha Council never warned R.G.M., R.G.M.'s parents/or guardians, or other children
24 about danger of sexual abuse in Scouting.

25 53. Prior to the sexual molestation and abuse of R.G.M., BSA knew or should
26 have known that its Ineligible Volunteer Files and Perversion Files system did not
function as it was intended, was flawed, and in many cases was ineffective to address

1 the sustained problem of sexual abuse of young boys by Scout leaders, employees,
2 servants, officers, volunteers, and/or agents of the BSA. Despite that knowledge, the
3 BSA did nothing to educate its members, Scouts and Scouts parents of the
4 ineffectiveness of the screening and tracking system and process. The BSA did nothing
5 to educate or inform members, Scouts and Scouts parents of the enormity of the
6 pedophile problem, nor did the BSA take action to correct its screening and/or
7 education system.

8 54. Instead, the BSA and its local councils, including the Aloha Council, on
9 information and belief, intentionally and actively concealed the continuous and
10 systematic danger of sexual abuse of boys in their programs by Scout leaders. The BSA
11 and the Aloha Council also actively promoted and represented to the public that their
12 Scouting programs were safe and wholesome and that their Scout leaders were safe and
13 trustworthy.

14 55. The BSA and the Aloha Council knew that Scouting, a closed system over
15 which the Boys Scouts held exclusive control related to participation and access, was
16 and still continues to be used by child molesters to gain access to and the trust of Scouts,
17 other boys, their families and the community. The BSA and the Aloha Council knew
18 that the majority of boys who were abused occurred during one-on-one situations, and
19 that R.G.M., R.G.M.'s parents and/or guardians and the families of other Boy Scouts
20 would consider this to be a material risk. Nevertheless, the BSA and the Aloha Council
21 did nothing to warn R.G.M., R.G.M.'s parents/or guardians or any of the other Boy
22 Scouts or their parents and/or guardians of the risks of molestation by Scout leaders,
23 employees, servants, officers, volunteers, and/or agents of BSA, and the BSA did
24 nothing to change the Boy Scout program prior to the representations and omission
25 they made to R.G.M., R.G.M. 's parents and/or guardians, or any of the other Boy
26 Scouts or their parents and/or guardians regarding Brouillard. Instead, the BSA
continued to make the same representations and omission to R.G.M., R.G.M.'s parents

1 and/or guardians, or any of the other Boy Scouts or their parents and/or guardians,
2 knowing they were false and knowing they were being relied upon by them.

3 56. The BSA and the Aloha Council made these representations and
4 omissions with the intent of inducing R.G.M., R.G.M.'s parents and/or guardians, or
5 any of the other Boy Scouts or their parents and/or guardians, to rely on these
6 representations and omissions so they would continue to trust the BSA, Aloha Council,
7 and Brouillard and continue to pay to participate in Scouting.

8 57. The BSA and the Aloha Council knew that if they revealed the truth, their
9 revenues would sharply decrease, they would lose their prestige and reputation as a
10 "safe program for boys", and they would likely face liability for the thousand of boys
11 who had already been sexually abused by Scout leaders, employees, servants, officers,
12 volunteers, and/or agents of the BSA.

13 58. For example, upon information and belief, on or about December 4, 1972,
14 BSA's Executive Director of Registration and Subscription Services, Paul I. Ernst
15 ("Ernst"), sent a "personal and confidential" letter from the BSA's national
16 headquarters to "all Scout executives" with the subject "Maintaining Standards of
17 Leadership." In the letter, Ernst informed his Scout executives that he was enclosing
18 guidelines that were "carefully developed" by the BSA, but "because of the
19 misunderstandings which could develop if it were widely distributed", he instructed
20 them to avoid sharing it "beyond the top management of your council". The
21 memorandum outlined the manner in which local councils should report accusations,
22 however urges that the policy be kept confidential, advised the BSA staff to tell unfit
23 leaders that their actions would not be reported to anyone including law enforcement,
24 and stated that in some instances, the BSA was even willing to re-admit leaders whose
25 names have been included in the confidential files.

26 59. Upon information and belief, in another letter from Ernst to a local council
executive, dated on or about December 15, 1981, regarding a reported sexual predator

1 Ernst wrote, "We have always asked that all the records in this type of situation be kept
2 in the national office and not in the local council office because of the embarrassment
3 that could be incurred if the wrong individuals would read the file."

4 60. The BSA's existing policies and procedures were not working to protect
5 the boys from being sexually abused by Scout leaders, employees, servants, officers,
6 volunteers, and/or agents of the BSA. Despite knowing that their policies were
7 insufficient, the BSA and the Aloha Council did nothing to warn R.G.M., R.G.M.'s
8 parents and/or guardians, or any of the other Boy Scouts or their parents and/or
9 guardians of that danger. Instead, they kept representing that the BSA program was
10 completely safe and its Scout leaders, employees, servants, officers, volunteers, and/or
11 agents were completely safe. Although the BSA eventually changed its policies and
12 procedure, it only did so after it was too late to protect R.G.M.

13 61. In or about 2012, the BSA was forced by court order to release over 20,000
14 pages of documentation on about 1,200 alleged child sex abuse cases within the
15 organization, covering the time period from approximately 1965 to 1985.

16 62. On information and belief, the BSA and the Aloha Council continues to
17 make false and misleading public statements regarding the risks of sexual abuse in
18 Scouting; continues to minimize and downplay the harm of sexual abuse to children in
19 Scouting; failed to reach out to provide support and assistance to boys it knows were
20 sexually abused by adult Scout leaders; continues to deny the truth about its historical
21 knowledge of the nature and extent of sexual abuse of scouts by adult Scout leaders;
22 and fails and refuses to take responsibility for their gross negligence for hiring,
23 retaining, or engaging the services of pedophiles.

24 63. At all times relevant hereto, Brouillard sexually abused R.G.M. when
25 R.G.M. was a minor and committed such acts while serving as a priest in the Barrigada
26 Parish, in both of his capacities as an agent and employee of the Agana Archdiocese,

1 and/or while working as a scoutmaster for the BSA and the Aloha Council, which are
2 vicariously liable for his actions.

3 64. The BSA, the Aloha Council, and DOES 1-50, inclusive, knew or should
4 have known, that Brouillard had sexually abused R.G.M. and rather than reporting the
5 matter to law enforcement and without intervening so as to prevent Brouillard from
6 engaging in additional instances of sexual abuse, and without seeking to have
7 Brouillard acknowledge and take responsibility for his wrongful actions, they assisted
8 Brouillard with the specific purpose or design to keep Brouillard's misconduct hidden
9 and secret; to hinder or prevent Brouillard's apprehension and prosecution; and to
10 protect the BSA, Aloha Council, Agana Archdiocese, as well as the Roman Catholic
11 church as an international institution. Such tactics included paying Brouillard a
12 monthly stipend for many years up until his death, despite being inactive as a priest.

13 65. To this day, the BSA, the Aloha Council, DOES 1-50 never contacted
14 R.G.M., R.G.M.'s family, or children they know Brouillard had sexual contact with. The
15 BSA, the Aloha Council, and DOES 1-50 have been content with the situation that any
16 other children that were sexually abused by Brouillard while he was serving as a priest
17 and/or scoutmaster, will remain affected by guilt, shame and emotional distress.

18 66. Despite the prolonged and egregious sexual abuse, spanning a period of
19 several decades, neither the BSA, the Aloha Council, the Agana Archdiocese, nor the
20 Roman Catholic Church ever formally disciplined Brouillard.

21 67. In fact, the Agana Archdiocese has paid and continued to pay up through
22 Brouillard's death, sums of money to Brouillard on a regular basis, ostensibly under the
23 guise of a retirement stipend. Brouillard's name was included on a list released by the
24 Duluth diocese in December, 2013, of priests who had been credibly accused of sexual
25 abuse of young persons while serving in the diocese.

26 68. The criminal offense of Child Abuse is defined in 9 GCA § 31.30, which
states in pertinent part as follows:

1 a) A person is guilty of child abuse when:

2 1) He subjects a child to cruel mistreatment; or

3 2) Having a child in his care or custody or under his control, he:

4 (B) subjects that child to cruel mistreatment; or

5 (C) unreasonably causes or permits the physical or, emotional

6 health of that child to be endangered

7 69. Under 19 GCA § 13101, the following relevant definitions are provided:

8 b) Abused or neglected child means a child whose physical or mental

9 health or welfare is harmed or threatened with harm by the acts or

10 omissions of the person(s) responsible for the child's welfare;

11 d) Child means a person under the age of 18 years;

12 t) Harm to a child's physical health or welfare occurs in a case where there

13 exists evidence of injury, including but not limited to:

14 (2) Any case where the child has been the victim of a sexual offense as

15 defined in the Criminal and Correctional Code; or

16 (3) Any case where there exists injury to the psychological capacity of a

17 child such as failure to thrive, extreme mental distress, or gross

18 emotional or verbal degradation as is evidenced by an observable and

19 substantial impairment in the child's ability to function within a normal

20 range of performance with due regard to the child's culture(.)

21 70. Under 9 GCA § 25A201, "sexual conduct" with a minor is defined as follows:

22 (o) Sexual Conduct means acts of sexual penetration, sexual contact,

23 masturbation, bestiality, deviate sexual intercourse, sadomasochistic abuse,

24 or lascivious exhibition of the genital or public area of a minor.

25 71. Under 9 GCA § 25.10(8), "sexual contact" is defined as follows:

26 (8) Sexual Contact includes the intentional touching of a victim's or actor's

27 intimate parts of the intentional touching of the clothing covering the

28 immediate area of the victim's or actor's intimate parts, if that intentional

29 touching can reasonably be construed as being for the purpose of sexual

30 arousal or gratification.

1
2 72. Under 9 GCA § 28.65, the crime of Indecent Exposure is set forth in pertinent
3 part as follows:

4 (a) A person is guilty of criminal sexual conduct in the second degree if the
5 person engages in sexual contact with another person and if any of the
6 following circumstances exists:

7 (1) that other person is under fourteen (14) years of age;

8 (2) that other person is at least fourteen (14) but less than sixteen (16)
9 years of age and the actor is a member of the same household as the
10 victim, or is related by blood or affinity to the fourth degree to the victim,
11 or is in a position of authority over the victim and the actor used this
12 authority to coerce the victim to submit.

13 73. Under 9 GCA § 28.65, the crime of Indecent Exposure is set forth in pertinent
14 part as follows:

15 A person is guilty of indecent exposure if he exposes his genitals or
16 performs any other lewd act under circumstances in which his conduct is
17 likely to be observed by any person who would be offended or alarmed.

18 74. Under 19 GCA § 13201(b), the following are required to report child abuse:

19 (b) Persons required to report suspected child abuse under Subsection (a)
20 include, but are not limited to, ... clergy member of any religious faith, or
21 other similar functionary or employee of any church, place of worship, or
22 other religious organization whose primary duties consist of teaching,
23 spreading the faith, church governance, supervision of a religious order, or
24 supervision or participation in religious ritual and worship, ...

25 **IV. FIRST CAUSE OF ACTION**

26 **Child Sexual Abuse [Against Defendants the BSA, Aloha Council, and DOES 1-50]**

27 75. Plaintiff re-alleges and incorporates by reference paragraphs 1 through
28 74 of this Complaint as if fully set forth herein.

1 76. Defendants the BSA, Aloha Council, and DOES 1-50 (collectively
2 "Defendants" as alleged in this cause of action) are vicariously liable for the sexual
3 abuse committed upon R.G.M. by Brouillard. Public policy dictates that Defendants
4 should be held responsible for Brouillard's wrongful conduct under the theory
5 commonly referred to as *Respondeat Superior*.

6 77. For the reasons set forth in the incorporated paragraphs of this
7 Complaint, the sexual abuse of R.G.M. arose from and was incidental to Brouillard's
8 employment with, or service on behalf of the Agana Archdiocese, the BSA, and the
9 Aloha Council, and while Brouillard was acting within the scope of his employment
10 with the Agana Archdiocese and service on behalf of the BSA or its Aloha Council, at
11 the time he committed the acts of sexual abuse, which were foreseeable to Defendants.

12 78. Defendants, on information and belief, ratified and/or approved of
13 Brouillard's sexual abuse by failing to adequately investigate, discharge, discipline
14 and/or supervise Brouillard and other priests, Scout leaders, employees, servants,
15 officers, volunteers, and/or agents known by Defendants to have sexually abused
16 children, or to have been accused of sexually abusing children; by concealing evidence
17 of Brouillard's sexual abuse both as a priest and as a scoutmaster; failing to intervene
18 to prevent ongoing and/or further sexual abuse; by failing to report the sexual abuse
19 as required under 19 GCA § 13201(b); by allowing Brouillard for decades to continue
20 in service as a Catholic priest working for the Agana Archdiocese and as a scoutmaster
21 for the BSA and its Aloha Council.

22 79. Despite the pretense of policies and procedures to investigate and
23 address instances of child sexual abuse by priests working for the Agana Archdiocese,
24 and serving as Scout leaders on behalf of the BSA and the Aloha Council, as well as
25 their employees, servants, officers, volunteers, and/or agents. Defendants, on
26 information and belief, implemented such policies and procedures for the purpose of
avoiding scandal, to maintain secrecy and to preserve loyalty to fellow clergy of the

1 Agana Archdiocese, and to serve as Scout leaders on behalf of the BSA and the Aloha
2 Council, as well as their employees, servants, officers volunteers, and/or agents,
3 including child molesting clergy working for the Agana Archdiocese, and serving as
4 Scout leaders on behalf of the BSA and the Aloha Council, rather than the protection of
5 children. Such hypocritical conduct by Defendants has served to systematically
6 encourage, perpetuate and promote sexually abusive conduct by priests both in their
7 role as clergy for the Agana Archdiocese, and as Scout leaders for the BSA and the
8 Aloha Council.

9 80. The Agana Archdiocese either had actual knowledge of Brouillard's
10 sexual abuse of numerous other minors whom Brouillard victimized, or could have, or
11 should have, reasonably foreseen that Brouillard was committing and would commit
12 sexual abuse of other minors. Such knowledge included direct awareness by former
13 Agana Archbishop Apollinaris Baumgartner, as reflected in the following excerpt from
14 Brouillard's statement attached hereto as Exhibit "1":

15 "While in Guam my actions were discussed and confessed to
16 area priests as well as Bishop Apollinaris Baumgartner who
17 had approached me to talk about the situation. I was told to
try to do better and say prayers as a penance."

18 81. Defendants BSA and its Aloha Council either had actual knowledge of
19 Brouillard's sexual abuse of numerous other minors whom Brouillard victimized, or
20 could have, or should have, reasonably foreseen that Brouillard was committing and
21 would commit sexual abuse of other minors. To date the BSA has acknowledged that
22 Brouillard victimized minor boys while serving as a scoutmaster, as reflected in the
23 excerpts taken from an interview with Jeff Sulzbach, the chief executive officer of the
24 Boy Scouts of America Aloha Council on March 5, 2017, attached hereto as Exhibit "2":

25 "Upon learning of the reports, we took immediate action to
26 preclude individual (Brouillard) from any further
participation in the scouting program." Though Sulzbach

1 could not say when exactly the Boy Scouts became aware of
2 the reports of Brouillard's sexual abuse of children on Guam,
3 he said it was possible that the organization did not take
4 action against the priest until sometime after the 1970s."

5 82. As a direct and proximate result of the Defendants' above - described
6 conduct, R.G.M. has suffered, and continues to suffer, great pain of mind and body,
7 shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
8 and loss of enjoyment of life.

9 83. By engaging in the conduct described herein, Defendants acted with
10 malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive
11 damages.

12 **V. SECOND CAUSE OF ACTION**

13 **Negligence [Against All Defendants]**

14 84. Plaintiff re-alleges and incorporates by reference paragraphs 1 through
15 83 of this Complaint as if fully set forth herein.

16 85. Defendants the BSA, Aloha Council, and DOES 1-50 (collectively
17 "Defendants" as alleged in this cause of action) had a duty to protect R.G.M. when he
18 was entrusted to Brouillard's care by R.G.M.'s parents. R.G.M.'s care, welfare, and/or
19 physical custody were temporarily entrusted to Defendants, and Defendants accepted
20 the entrusted care of R.G.M. As such, Defendants owed to R.G.M., as a child at the
21 time, a special duty of care, in addition to a duty of ordinary care, and owed to R.G.M.
22 the higher duty of care that adults dealings with children owe to protect them from
23 harm.

24 86. By virtue of this unique authority and position as a Roman Catholic
25 priest and/or a scoutmaster, on information and belief, Brouillard was able to identify
26 vulnerable victims and their families upon which he could perform such sexual abuse;
 to manipulate his authority to procure compliance with his sexual demands from his
 victims; to induce the victims to continue to allow the abuse; and to coerce them not to

1 report it to any other persons or authorities. As a priest and as a scoutmaster,
2 Brouillard had unique access to a position of authority within Roman Catholic families
3 and/or families that were actively involved in activities sponsored by the BSA and its
4 Aloha Council, like the family of R.G.M. such access, authority and reverence was
5 known to the Defendants and encouraged by them.

6 87. Defendants, by and through their agents, servants and employees, knew
7 or reasonably should have known, of Brouillard's sexually abusive and exploitative
8 propensities and/or that Brouillard was an unfit agent. It was foreseeable that if
9 Defendants did not adequately exercise or provide the duty of care owed to children
10 in their care, including but not limited to R.G.M., the children entrusted to Defendants'
11 care would be vulnerable to sexual abuse by Brouillard.

12 88. Defendants breached their duty of care to the minor R.G.M. by allowing
13 Brouillard to come into contact with R.G.M. as a child without supervision; by failing
14 to adequately supervise, or negligently retaining Brouillard whom they permitted and
15 enabled to have access to R.G.M.; by failing to properly investigate; by failing to
16 inform, or concealing from R.G.M.'s parents, guardians, or law enforcement officials
17 that Brouillard was or may have been sexually abusing minors; by holding out
18 Brouillard to R.G.M.'s parents or guardians, and to the community of Guam at large,
19 as being in good standing and trustworthy as a person of stature and integrity.
20 Defendants cloaked within the façade of normalcy Brouillard's contact with R.G.M.
21 and/or with other minors who were victims of Brouillard, and deliberately concealed
22 and disguised the sexual abuse committed by Brouillard.

23 89. As a direct and proximate result of the Defendants' above - described
24 conduct, R.G.M. has suffered, and continues to suffer, great pain or mind and body,
25 shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
26 and loss of enjoyment of life.

1 90. By engaging in the conduct described herein, Defendants acted with
2 malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive
3 damages.

4 **VI. THIRD CAUSE OF ACTION**

5 **Negligent Supervision**

6 **[Against Defendants the BSA, the Aloha Council, and DOES 1-50]**

7 91. Plaintiff re-alleges and incorporates by reference pages 1 through 90 of
this Complaint as if fully set forth herein.

8 92. Defendants the BSA, Aloha Council, and DOES 1-50 (collectively
9 "Defendants" as alleged in this cause of action) had a duty to provide reasonable
10 supervision of both Brouillard and the minor child, R.G.M.; to use reasonable care in
11 investigating Brouillard; and to provide adequate warning to R.G.M.'s family, and to
12 families of other children who were entrusted to Brouillard, of Brouillard's sexually
13 abusive and exploitative propensities and unfitness.

14 93. Defendants, by and through their agents, servants and employees, knew
15 or reasonably should have known of Brouillard's sexually abusive and exploitative
16 propensities and/or that Brouillard was an unfit agent. Despite such knowledge,
17 Defendants negligently failed to supervise Brouillard in his position of trust and
18 authority as a parish priest and/or scoutmaster, where he was able to commit the
19 wrongful acts against R.G.M. alleged herein. Defendants failed to provide reasonable
20 supervision of Brouillard, failed to use reasonable care in investigating Brouillard, and
21 failed to provide adequate warning to R.G.M.'s family regarding Brouillard's sexually
22 abusive and exploitative propensities and unfitness. Defendants further failed to take
23 reasonable measures to prevent future sexual abuse.

24 94. As a direct and proximate result of the Defendants' above - described
25 conduct, R.G.M. has suffered, and continues to suffer, great pain of mind and body,

1 shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
2 and loss of enjoyment of life.

3 95. By engaging in the conduct described herein, Defendants acted with
4 malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive damages.

5 **VII. FOURTH CAUSE OF ACTION**

6 **Negligent Hiring and Retention**
7 **[Against Defendants the BSA, Aloha Council, and DOES 1-50]**

8 96. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 95
9 of this Complaint as if fully set forth herein.

10 97. Defendants the BSA, Aloha Council, and DOES 1-50 (collectively
11 "Defendants" as alleged in this cause of action) had a duty not to hire, retain, or engage
12 the services of Brouillard in light of his sexually abusive and exploitative propensities.

13 98. Defendants, by and through their agents, servants and employees knew,
14 or reasonably should have known, of Brouillard's sexually abusive and exploitative
15 propensities and/or that Brouillard was an unfit agent. Despite such knowledge and/or
16 opportunity to learn of Brouillard's misconduct, Defendants negligently hired, retained,
17 or engaged the services of Brouillard in his position of trust and authority as a parish
18 priest and scoutmaster, where he was able to commit the wrongful acts against R.G.M.
19 alleged herein. Defendants failed to properly evaluate Brouillard in advance by failing
20 to conduct necessary screening; failed to properly evaluate Brouillard's conduct and
21 performance as an employee of, or provider of services to the Defendants; and failed to
22 exercise the due diligence incumbent upon employers to investigate employee
23 misconduct, or to take appropriate disciplinary action, including immediate termination
24 and reporting and referral of Brouillard's sexual abuse to appropriate authorities.
25 Defendants negligently continued to retain Brouillard in his service as a Catholic priest
26 and scoutmaster, working or providing services for Defendants, which enabled him to
continue engaging in the sexually abusive and predatory behavior described herein.

99. As a direct and proximate result of the Defendants' above - described conduct, R.G.M. has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

100. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive damages.

VIII. FIFTH CAUSE OF ACTION

Breach of Fiduciary Duty And/Or Confidential Relationship [Against All Defendants]

10 Plaintiff re-alleges and incorporates by reference paragraphs 1 through
11 107 of this Complaint as if fully set forth herein.

12 102. By holding Brouillard out as a safe, trustworthy and highly ethical
13 scoutmaster with integrity, Defendants BSA, Aloha Council and DOES 1 – 50, together
14 with Brouillard himself, invited, counseled, encouraged and induced the community of
15 Guam, including parents or guardians of children to join the Boy Scouts; and
16 particularly as to parents or guardians of children who were already paid members of
17 the BSA and Aloha Council, to have trust and confidence in the BSA, the Aloha Council
18 and its Scout leaders, employees, servants, officers, volunteers, and/or agents, and to
19 entrust their children to the company of scoutmasters and specifically to Brouillard,
20 including allowing their children to be alone with Brouillard without supervision, and
21 to camp out over night at BSA and Aloha Council activities. Defendants BSA, and
22 Aloha Council actively exploited the reputation of the Catholic Church for the purpose
23 of encouraging membership of the Boy Scouts, thereby facilitating the availability of
24 minor boys to a pedophilic priest. In this way, Defendants BSA, and Aloha Council,
25 maintained a symbiotic relationship by which each recruited minors for sexual
26 pleasures. Through such actions, Defendants collectively created and entered into a
fiduciary and/or confidential relationship with its members, including parents or

guardians and their children, and in particular, children who were members of the BSA and the Aloha Council. Accordingly, Defendants collectively created and entered into a fiduciary and/or confidential relationship specifically with the minor child R.G.M.

4 103. Through such fiduciary and/or confidential relationship, Defendants
5 collectively caused parents or guardians to entrust their children to members of the
6 Agana Archdiocese, serving both in their role as priests and scoutmasters, and
7 specifically entrusted their children to Brouillard, including the parents of R.G.M.,
8 which resulted in R.G.M. serving as an altar boy and joining and becoming a member of
9 the BSA and its Aloha Council and participating in its activities, resulting in the subject
10 acts of sexual abuse described herein.

11 104. Defendants collectively breached their fiduciary and/or confidential
12 relationship with the minor child R.G.M. by violating the trust and confidence placed in
13 them by parishioners and/or members, and specifically by the minor child R.G.M., and
14 by engaging in the wrongful acts described in this Complaint.

15 105. As a direct and proximate result of the Defendants' above - described
16 conduct, R.G.M. has suffered, and continues to suffer, great pain of mind and body,
17 shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
18 and loss of enjoyment of life.

19 106. By engaging in the conduct described herein, Defendants acted with
20 malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive damages.

IX. REQUEST FOR RELIEF

22 WHEREFORE, Plaintiff R.G.M. requests judgment against all Defendants, both
23 jointly and severally, on all counts as follows:

24 1. For all general, special, exemplary and punitive damages, as allowed by
25 law in a sum to be proven at trial and in an amount not less than \$5,000,000.00;

26 2. For costs and fees incurred herein;

3. Attorneys' fees, as permitted by law; and

1 4. For other such and further relief as the Court may deem just and proper.

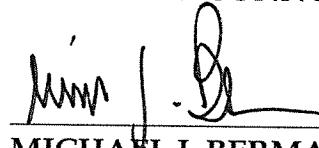
2 **X. DEMAND FOR JURY TRIAL**

3 Plaintiff R.G.M., through his undersigned counsel, hereby demands a jury trial of
4 six (6) be sought to hear the above-entitled and enumerated action.

5 Respectfully submitted this 27 day of JANUARY, 2020.

6 **BERMAN O'CONNOR & MANN**

7 By:

8 
MICHAEL J. BERMAN, ESQ.

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VERIFICATION

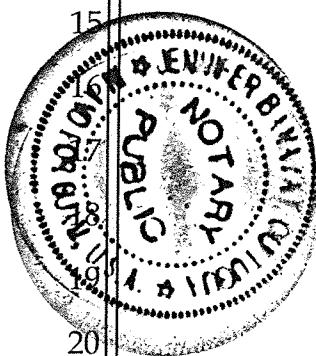
R.G.M. declares and states that he is the PLAINTIFF in the foregoing COMPLAINT; that he has read said VERIFIED COMPLAINT FOR DAMAGES and knows the contents thereof to be true and correct, except as to the matters which may have been stated upon his information and belief; and as to those matters, he believes them to be true.

I declare, under penalty of perjury, this 21st day of January, 2020, that the foregoing is true and correct to the best of my knowledge.

Robert G. Marilow

R.G.M.

SUBSCRIBED and SWORN to before me, a notary public in and for Guam, this
27th day of January, 2020, by R.G.M.



NOTARY PUBLIC

JENNIFER BANAYAT QUITUGUA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **APRIL 20, 2021**
P.O. Box 5580, Hagatna, Guam 96932